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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 16-MJ-71579 MAG
)	
Plaintiff,)	
)	STIPULATION AND PROPOSED ORDER
v.)	CONTINUING PRELIMINARY HEARING AND
)	STATUS CONFERENCE, EXTENDING TIME
NOEL GONZALEZ,)	UNDER RULE 5.1, AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
Defendant.)	
)	

The United States of America, through Lloyd Farnham, Assistant United States Attorney, and the defendant, Noel Gonzalez, through his counsel, hereby stipulate to a continuance of the preliminary hearing or arraignment date in this case from March 24, 2017 to May 19, 2017, at 9:30 a.m. before the Duty Magistrate. The defendant agrees that good cause exists to extend the time limits of Rule 5.1(c) to May 19, 2017. The parties also agree that time is appropriately excluded under 18 U.S.C. § 3161, the Speedy Trial Act, between March 24, 2017 and May 19, 2017.

The parties agree that good cause exists, taking into account the public interest in the prompt disposition of criminal cases, to extend the time for the preliminary hearing to May 19, 2017. The government provided additional voluminous discovery on March 13, 2017, and the parties seek

1 additional time to permit the defendant's counsel to review discovery materials provided in the case,
2 investigate factual issues, and for the parties to continue to discuss a potential resolution.

3 The parties also agree that an exclusion of time is appropriate under the Speedy Trial Act
4 between March 24, 2017 and May 19, 2017 for purposes of the effective preparation of counsel, and to
5 permit counsel to conduct an investigation and consult with the defendant. In addition, the defendant
6 agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties
7 also agree that the ends of justice served by granting such a continuance outweigh the best interests of
8 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

9 Respectfully submitted,

10 BRIAN J. STRETCH
11 United States Attorney

12 Dated: March 21, 2017

13 /s/
LLOYD FARNHAM
Assistant United States Attorney

14 /s/
15 JESSE GARCIA
16 Attorney for NOEL GONZALEZ

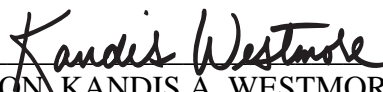
~~[PROPOSED]~~ ORDER

Based upon the representation of counsel and for good cause shown, the Court finds that good cause exists, taking into account the public interest in the prompt disposition of criminal cases, for extending time under Rule 5.1 for a preliminary hearing to May 19, 2017. The Court further finds that good cause exists for a continuance of the preliminary hearing date to May 19, 2017. The Court finds that failing to exclude the time between March 24, 2017 and May 19, 2017 would unreasonably deny the defendant and counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by excluding the time between March 24, 2017 and May 19, 2017 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, IT IS HEREBY ORDERED that:

- (1) The preliminary hearing or arraignment date are continued to May 19, 2017, at 9:30 a.m. before the Duty Magistrate; and
- (2) Good cause exists to extend the time for the preliminary hearing under Rule 5.1 to May 19, 2017; and
- (3) The time between March 24, 2017 and May 19, 2017 shall be excluded from computation of any time limits under the Speedy Trial Act.

DATED: 3/21/17


HON. KANDIS A. WESTMORE
United States Magistrate Judge